

App F IX 4

Previous References

✓
1945
ml

ml File No 11-45
Serial Nos 66,67

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for Nov 45

SUBJECT

Re: Enhancing the rent of shops in the
Markets in Mysore city by 12 1/2 %
and to exempt the Local Bodies and
Institutions from the Operation of the
Rent Control Order

L-4289

27th Nov 45

States that the enhancement of the rent of
any building is governed by the Provisions of
H.R.C. Order and Govt are not in favour of
exempting any Local Body etc

To

The Pst City ml ee Mysore

ml
28/2

7095
L

Letter No R8-291/43-44 & 26-4-45
from the Ddt, Cifp ml cl, allyson
requesting sanction to enhance the
rent of shops in the Markets in the city
by 12 1/2 percent & to exempt the
Local Bodies & Institutions from the
operation of the Rent Control Order.
This question does not seem to have
gone before the ml cl.

It is stated that Govt of Madras has
recently introduced an amendment
to the rent control order, exempting
Local Bodies & Institutions from its
application.

Of appr, the War Section were also
consulted in the matter.

As the question has not been
considered by the Cif ml cl,
the President will be requested to
obtain favour the result of the ml
cl in regard to the enhancement

of the rent of the shops etc by 12 1/2
as proposed by the Managip Committee.
After this comes the question of referring
the file to the War Section for the
amendment of the Rent Control Order
may be taken up.

2933

File No
Current No

7095 J 7759

of

Page

b) it may be done

1) Got a copy of the
amendments recently
introduced in the
Madras House Council
and

C.C.

30th 85

8) M. Subramanyam
for copy of the
30th 85

1) sub with a draft letter for appl.

W.C.
2/5

1) 1) - 1/5/85

2) 2) 1/5/85

To the President City M.C. Mysore

Calls for the opinion of the Municipal C.

from the President City M.C. Mysore

P. 8-291 d 21-5-85

S. A.

States that a copy of the

resolution of the City Municipal Council

in regard to the enhanced rent of

shops.

12) In kind making available a
copy of the Mysore rent control
order as recently amended

was received 21/8/85

13) A copy of the recent amendment to the
Mysore Non Residential Building Rent Control
order is placed below

W29331/29845

5190/2

Copies are also being made up to date here has
 articles for from the South India Press Mysore, separately
 under the list to be sent by the War Section
 for perusal

PL
 9/7
 12/7

Ltg Br)

1/7/45

1/7/45

unfurther

15) A copy of the Amendment of the Madras
 Rent Control Order, is put up

16) The president, Mysore City Municipal Council,
 has requested approval to the resolution
 dated 15-9-44, of the City Municipal Council
 approving the enhancement of rent of shops.

17) Necessary action to amend the existing
 Rent Control Order, has to be taken in the
 War Section, if the above proposal is
 approved

18) Refer para 7 supra

19) PL put up a copy of
 the Rent Control Order in
 force here

20) The War Section has sent a further
 note in the matter PL put up that also

21) The note received from the War Section
 is put up

The Mysore City Municipal Council are in
 favour of amending the existing Rent-
 Control Order, exempting

70955/190/2

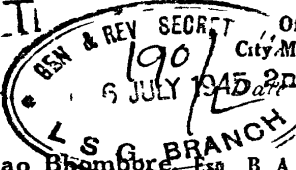
the Local Bodies and Institutions from its operation, on the lines of the Madras Non-Residential Buildings Rent control order, as amended in April, 1945.

23) It seems necessary to consult the Bangalore City Municipal Council also before agreeing to the proposed amendment.

24) A draft letter to the Municipal Council Bangalore City is put up

21/7

759, 70
URGENT
No R8 PR 291/43



Office of the President
City Municipal Council Mysore
2nd July, 1945

R Ramachandra Rao Bhombore, Esq B A

President City Municipal Council

MYSORE

G. Narayanaswamy Naidu, Esq, B A, B L,
Legal Remembrancer and Secretary to Government,
Law Department, Bangalore

Enhancement of rent of Market shops

I have the honour to invite kind reference to this office letter No R8 291/43 dated 22-5-1945, forwarding copies of proceedings of the Council and the Managing Committee regarding the above and to request you to kindly obtain orders of Government and intimate the same early. As the collection of rent due on shops for the month of July 1945 has to be commenced before the 10th instant and as the tenants are to be served with notices, regarding enhancement of rent, I request the favour of early orders

I have the honour to be,

Sir,

Your most obedient servant,

PRESIDENT

The previous reference

was sent to the war

Section on 22-6-45 with

SNR

by no 7095

was section

6745

6/7

No. The LBS Pr order for a copy of the Memo
 Non-Residential building ^{Part} Control order as per no copy
 (uphold) was ^{also} available in the Pr. & Super for
 per memo to be ^{also} issued. In Memo, it for
 be really aware of non residential building
 Part Control order examples, buildings at local
 Board Municipalities for a provision of order.
 The recent example is available at Corporation
 to share it with the City of Mysore, in
 the Mysore Strong Nat. Control. Order which
 applies to both residential as non residential
 accommodation in Bangalore. ^{Mysore City}
 WD 02139-GPB-20 000-26 2 46

No such exemption has been granted as
if rates be to be reduced, it order
be to be amended. Making provision
for it subsequent a rat in a case of
Municipal Bodies ^{as in the case of} also for period
borders

For 10/1/60

Received of

by M. L. P. up ^{with} the Council of the

2.6] The purpose of the proposal to
enhance the rents in respect of the
shops in the Devonian market
by about 12% with a view to
increase the M. in case. But this cannot

be done so long as the Rent Control Order

is in force, as it applies equally well
to the case of buildings owned by the
local bodies. Hence the said order

has to be amended ^{as has been done in many places} so as to permit
a rate of local board to be

enhanced rents in respect of the buildings

belonging to it. The President,

purpose of M. L. has accordingly

surfer order in the matter

2.6] for the interests of municipal

W29
 Finances it is necessary to
 amend the rent control order &
 authorise the H.C. to levy increased
 rates of rent. There is no necessity
 to consult the Bangalore H.C.
 in this matter. 25/11/74
 30) The proposal made by the President,
 Mysore - w.r. H.C. on the subject may
 be approved. If this suggestion is
 approved the war section will be asked
 to issue the necessary arguments.
 26/11/74

A / 31) What is the procedure
 prescribed for amending the
 P.C.O? Is it to be done by an
 Executive order of Govt? 2/12/74

32) Which are the other
 Municipalities who have asked
 for similar assistance from
 Govt? 26/11/74

33) In view of foregoing information
 re A above

34) The House Rent Control order was issued
 under the Defence of India Rules as
 applied to Mysore. Amendments thereto have
 also to be ordered to be made as per
 order. 26/11/74

35) No other Municipal Council has 70%
asked for any amendment to the
rent control order

36) The amendment to the present R.C.O.
has to be done by an executive order
preparatory to 1 to 2 subm

2/1/7

SSR seg 26/7/45

37) What about exempting the Municipality
from the operation of the House Rent
Control order? Is that near the
request? What is it they did in
Madras? Any papers available?

38) The self will have to be exempted
from the operation of the Rent Control order
in the city of the Amendment to
the Madras Non-Residential Building Rent
Control order issued in April, 1945, is not

Now

27/7/

2. 1/1.

39) Action on similar cases will have
to be taken in respect of the rent
control order in force in the State
if it is decided to amend the order
as requested approval thereto may be
accorded as the new section will be
requested to amend the order accordingly

Page N

SS1
28/7

SSR seg 27/7/45

40)

In the interests of Municipal revenue, the proposed Amendment may be approved. The War Section will take steps thereafter to suitable amend the Order.

C.F.	69
File No.	1057
Date	4 8 45
No	836

Minister for Ed^m 774)

Doris

28/7/

for

41) JH

5/8/

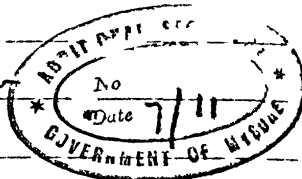
42) in paying money for the 6/8/

money for the 2/8/

43)

The amendment of the Madras Rent Act under which out of the scope of the Act came when the collection of rents or for a public market, land or a slaughter house or of rents for shops has been farmed out but does not affect cases in which the municipal buildings or shops are leased out. The

The provided for is one in which the local body has leased its property. This is for orders whether the local body may or should be allowed to give a tenable & privileged service to a private individual is for order.



87 8

11/11/11

Time to meet

115)

13/8/22

Subd with a draft Notification amending a
Home Rent Control Order exempting buildings
in the Municipality of ~~and~~

AS
21/8

46) The amendment proposed goes beyond the scope of original legislation in that

2
my 8

47) Ist möglich für Anzahl, u

Other Occlus

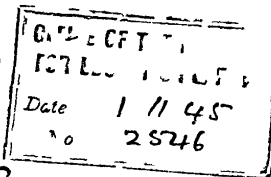
Other orders - (c) I do not however, see the justification for exempting their bodies from the operation of the Home Rent Control order.

Min Rev)

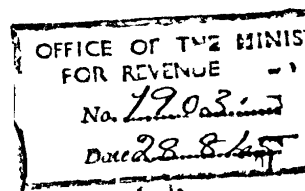
511 Add'l Sec' Min Ed'n)

28/8/15 L

WFF 31/10/45



1483



17 agree 5/7/10
to 321/1/2/3/4
W-7/11/12/13/14/15/16/17/18/19/20/21/22/23/24/25/26/27/28/29/30/31/32/33/34/35/36/37/38/39/40/41/42/43/44/45/46/47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1

Serial
No

53)

Subd with a draft reply for app

22/11/45

new secy) for
27/11/45

55) Issue done
24/11/45

To The President, City M.C., Mysore
L-4202/MC 11-45-67 D 27-11-45

States that the enhancement of the
rent of any building is governed by
the provisions of the H.R.C. order and
Government are not in favour of imposing
any local body, from the operations
of the H.R.C. order

3141-11
TYPING SECTION
24.11.1945
SECRETARY

B

File No.

of 194

General and Revenue
Secretariat

Serial
No

No R8-291/43
Encl one
From

R Ramachandra Rao Bhombore, Esq B A
President, City Municipal Council
MYSORE

Office of the President
City Municipal Council Mysore
Date 26th April 1945

To
C Narayanaswamy Naidu, Esq , B A ,B L ,
Legal Remembrancer and Secretary to Government
Law Department, Bangalore

Sir,

Enhancement of Market Rent

I have the honour to state that, as the annual maintenance of Market Buildings has been on the increase due to the increased rates, to be allowed for the several items of works, the proposal to enhance the rents of the several markets shops was placed before the Managing Committee and in their meeting held on 15-9-1944 they resolved that the existing rate of rent may be enhanced by 12% As per the estimate, an additional income of Rs 678-7-0 per month or Rs 8141-4-0 per year is expected (vide statement enclosed for reference) There was no revision of rent of market shops for the last 8 years or so Considering the average rent that is being paid either in the opposite side (Sayaji Rao Road) or adjacent buildings of Devaraja Market and also the amenities provided for the shops of markets, even the proposed rent would be comparatively less The Municipality is incurring heavy expenditure on account of repairs etc , and as such, the proposed enhancement of rent is most equitable and reasonable It has been an accepted policy that these rents should be revised at least once in 5 years as has been in the case of General Revision of other Municipal taxes

2 But in view of the Rent Control Order that is in force, the rent at the enhanced rate could not be levied and the matter was under correspondence, as the Municipal Advocate opined that the Local Bodies and Institutions are not exempted from its operation

3 In this connection, I beg to state that, it is learnt that the Government of Madras recently has recently introduced an amendment to the Rent Control Order, exempting Local Bodies and Institutions from its application

4 Under the above circumstances, exemption of Local Bodies and Institutions is absolutely necessary, since otherwise the reason-

Abstract (Revised) Statement showing the existing and proposed
shop rents in several markets
(After enhancing the existing rent at 12½)

Sl No	Name of Market	Existing	Proposed	Net Excess	Remarks
1	Devaraj	4540-11-0	5108-8-0	567-13-0	Excess per month Rs 678-7-0 " per year 8141-4-0 Percentage of excess 12 65
2	Mandi	471- 4-0	542-0-0	70-12-0	
3	Vani Vilas Mohalla	238- 6-0	268-8-0	30- 2-0	
4	Krishnamurthypuram	28- 8-0	30-8-0	2- 0-0	
5	Sunnadakeri	11- 0-0	13-0-0	2- 0-0	
6	Jalapuri Beef Market	37- 8-0	43-4-0	5-12-0	
Total		5327- 5-0	6005-12-0	678- 7-0	

R. [Signature]
PRESIDENT

SNR

L-1105.

To Mr. Pdt, Cif. Mch,

Mysore

Sir,

With reference to your letter No

R8-291/43-44 & 26-4-45 in the matter

of the enhancement of the rent of several

shops in the markets in the city, I am

directed to request you to obtain and

forward the opinion of the Mch in the matter

I have etc

Yours,

For very truly
Mr. Law Deptt

Q
5/5

No 4289-MC 11-45-67 3:45pm

27/XI/45

OFFICE OF THE PRESIDENT
CITY MUNICIPAL COUNCIL MYSORE
No R-8-291
Encl 43/44 Dated 21-5-1945
From R. Ramachandra Rao Bhombope Esq B A
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

To C. Narayanaswamy Naidu, Esq., B.A.B.L.
Legal Remembrancer and Secretary
to Government, Law Department,
Bangalore

Sir,

Enhancement of rent of shops.

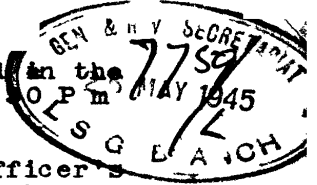
With reference to your letter
No L 11058 dated 11-5-1945, re
the above, I have the honour to for-
ward herewith copies of proceedings
of the Council and the Managing
Committee dated 29-7-1944 and 15-9-
1944 respectively, approving the en-
hancement of rent and to request you
kindly to obtain orders of Government
and intimate the same early, so as
to give effect to the Council Reso-
lution with effect from 1st July,
1945

I have the honour to be,
Sir,

Your most obedient servant,

R. Ramachandra Rao
PRESIDENT

Proceedings of the Managing Committee Meeting held in the
Municipal Office on Friday the 15th September 1944 at 4.10 P.m.



Deferred Subject No 38 Revenue ~~Officer~~ Officer's
Report No. RS 291/43-44 dated 10-8-1944 sending lists showing
enhanced rate of rent due from each shop in the several Municipal
Markets, lists prepared in accordance with Council Resolution
No 917 dated 29-7-44 and placed for confirmation by the Managing
Committee

The statement is approved except in the case of shop No 9
in which it may be retained at Rs 80/-

Sd R Ramachandra Rao Bhombore,
President

"Copy"

R. Ramachandra Rao Bhombore
President

Proceedings of the Ordinary General Meeting of the Mysore City
Municipal Council held in the Municipal Offices on Saturday the 29th July
1944 at 4.30 P M

917 Managing Committee Resolution No 158 dated 21-6-1944, resolving
that the Revenue Officer's report dated 18-6-1944 requesting the approval
to the enhancement of the rents of shops in the several markets at the
rates detailed in the lists enclosed thereto, resulting in an excess of
Rs 2292/- per mensem together with office note thereon, be placed before
the Council

"Resolved that the shop rents of various markets be revised so
that in no case the enhanced rent should exceed 12½% of the existing
rents and that these revised rates of rents be in force for one year
Resolved further that this Council empowers the Managing Committee to
consider the merits of each case and revise rents accordingly "

Moved by Mr E P Nanjappa

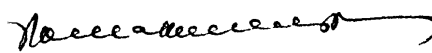
Seconded by Mr K S Satyanarayana Rao

CARRIED

The following members did not participate in the above resolution
Messrs P Sitaramiah, 2 T Venkataramanah 3 M S Nanjappa

Sd R Ramachandra Rao Bhombore,
President

"Copy"

R 
H President

ag. pl 11-45-63 3:45pm
27/XI/45

boards and institutions from
its application

I am to request that
the opinion of the Bangalore City
Municipal Council in this
behalf may kindly be obtained
and forwarded, very early

I have to

For Adell Leary

Copy to Mr. Leary
for

To The Municipal Comm
Bareilly City

Through the President

Enhancement of Market-
Rent-

Sir, I am directed to state
that the President, Mysore City M
Council has recommended that
the existing Mysore Rent Control
Order may be ~~modified~~ amended
on the lines of the "Amendment-
to Madras Non Residential Building
Rent Control Order of April, 1945",
so as to exempt the local

NO 4289-Me 11-45--67 3:45 PM

To The President,
City Municipal Council,
Mysore

Sir,

With refer to your letter
in R.8-291/43-Lt of
26 4 1965 in the matter
of the enhancement of the
~~rent~~ rent on the ~~shops~~
shops in the several
markets in Mysore, it,
I am directed to state
that ^{the} ~~any~~ enhancement
of the rent of any building
is governed by the provisions
of the ^{Mysore} Housing Control Act
& that rent are not
in favour of exempting any
local body from the opera-
tions of the Housing Control
Act

I have etc

Sd/- 24/4/65

For Secy to Govt

copy to War Section.

Sd/-

24/4/65

united Town
the city
the President

ent of Market

handed to State

the city of

awarded that

Rail Control

the awarded

"Amendment"

the awarded

the awarded

the awarded

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L-4289
M-11-45-67

General and Revenue Secretariat

Dated Bangalore 27th November 1945

From The ~~Additional~~ Secretary to the Government of His Highness
the Maharaja of Mysore
Revenue Department

To The President,
City Municipal Council,
Mysore

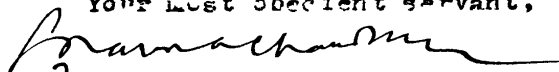
Sir

With reference to your letter No. 2-201/43-44
dated 26th April 1945 in the matter of the enhancement of
the rent on the shops in the several markets in Mysore City,
I am directed to state that the enhancement of the rent of
any building is governed by the provisions of the Mysore
House Rent Control Order and that Government are not in
favour of exempting any local body from the operations of
the House Rent Control Order

I have the honour to be,

Sir,

Your most obedient servant,


For Secretary to Government,
Revenue Department

LNS 3.

Exh

RULES SUPPLEMENT TO PART I OF
THE FORT ST GEORGE GAZETTE

No 16-A Madras, Tuesday Evening April 17, 1945

DEVELOPMENT DEPARTMENT

Amendment to Madras Non-Residential Building
Rent Control Order

(G O Ms No 1481, Development, 10th April 1945)

In exercise of the powers conferred by clause (bb) of sub-rule (2) of rule 81 of the Defence of India Rules, His Excellency the Governor of Madras hereby makes the following amendment to the Madras Non-Residential Building Rent Control Order, 1942, published with Development Department notification, dated the 15th August 1942, at pages 1 to 3 of the Rules Supplement to part I of the Fort St George Gazette (No 34-A), dated the 25th August 1942, as subsequently amended -

Amendment

In sub-clause (4) of clause 2 of the said Order, the following shall be added at the end, namely .

"but does not include a person to whom the collection of rents or fees in a public market, cart-stand, or slaughterhouse or of rents for shops has been farmed out by a municipal council or local board or the Corporation of Madras "

T Sivasankar,
Secretary to Government

THE MYSORE HOUSE RENT CONTROL ORDER, 1942

(As amended up to September 1944)

[Notification No 3023-W dated the 16th June 1942 as amended by Notification No W 1935-W 157 43 dated 21st February 1944 and Notification No W 555-W 44 44 4 dated 7th September 1944]

In exercise of the powers conferred by clause (bb) of sub-rule (2) of Rule 81 of the Defence of India Rules as applied to Mysore the Government of His Highness the Maharaja are pleased to make the following order —

- 1 (1) This order may be called the Mysore House Rent Control Order 1942
- (2) It shall come into force at once
- (3) It shall extend to such areas as are notified by Government in this behalf

2 In this order unless there is something repugnant in the subject or context —

(1) Controller means the Deputy Commissioner of the District in which the area to which this order is extended is situated or such other officer as may be appointed by Government

(2) House means *in the Bangalore and Mysore Cities any building or part of a building suitable for any purpose residential or non residential and elsewhere* a building or part of a building suitable for occupation as a residence and includes —

(a) the garden grounds and out-houses (if any) appurtenant to such building or part of a building and

(b) any furniture supplied by the landlord for use in such building or part of a building

(3) Landlord includes the person who is receiving or is entitled to receive the rent of a house whether on his own account or on behalf of himself and others or as an agent or trustee or who would so receive the rent or be entitled to receive the rent if the house were let to a tenant.

(4)† Tenant means any person by whom or on whose account rent is payable for a house and includes a person continuing in possession after the termination of a tenancy in his favour †

3 When on a written complaint or otherwise the Controller has reason to believe that the rent of any house within the local limits to which this order applies is excessive he shall hold a summary enquiry and record a finding

4 If on a consideration of all the circumstances of the case including any amount paid or to be paid by the tenant by way of premium or any other like sum in addition to rent the Controller finds that the rent of the house is excessive he shall determine the fair rent to be charged for the house

5 In fixing the fair rent under clause 4 the Controller shall have due regard to the prevailing rates of rent for the same or similar accommodation in similar circumstances during the twelve months prior to the 1st January 1942 and in the case of a house which has been constructed after that date also to any general increase in the cost of sites and building construction

6 When the Controller has determined the fair rent of a house —

(a) the landlord shall not charge any rent in excess of such fair rent

(b) any agreement for the payment of rent in excess of such fair rent shall be null and void in respect of such excess and shall be construed as if it was an agreement for payment of the said fair rent

(c) any sum in excess of such fair rent paid whether before or after the commencement of this order in respect of a residence after the commencement of this order shall be refunded to the person by whom it was paid or at the option of such person otherwise adjusted

7 (1) After the commencement of this order an increase in rent shall be permissible only where some addition improvement or alteration, not included in necessary repair or repairs which are usually made to houses in the local area has been carried out at the landlord's expense since the rent was fixed

— Inserted by Notification No W 1935-W 157 43 12 dated 21st February 1944

† Inserted by Notification dated 7th September 1944

but does not include a building or part of a building
used or let for use as a place of entertainment
or amusement (W 213 & 10)

Compd. M

Signature

Charter to fort

(2) Any such increase in rent shall not exceed $7\frac{1}{2}$ per cent per annum on the cost of such addition improvement or alteration and shall not be chargeable until such addition improvement or alteration has been completed

(3) Any dispute between the landlord and the tenant in regard to any increase of rent claimed under this clause shall be decided by the Controller

*8 (1) A tenant in possession of a house shall not be evicted therefrom whether in execution of a decree or otherwise and whether before or after the termination of the tenancy except in accordance with the provisions of this clause

(2) A landlord wishing to evict a tenant in possession shall apply to the Controller for a direction in that behalf. If the Controller after giving the tenant a reasonable opportunity of showing cause against the application is satisfied—

(i) that the tenant has not paid and is not ready and willing to pay the rent due in respect of the period before such application or

(ii) that the tenant is not ready and willing to pay the fair rent of the house for such period thereafter as he may continue to be in possession or

(iii) that the tenant has without the consent of the landlord sublet the house or any part thereof or used it for a purpose other than that for which it was leased or

(iv) that the landlord was at no time during the twelve months immediately preceding the date of his application residing within the limit of the city town or village in which the house in question is situated that he has acquired his interest in the house by inheritance or if not by inheritance at a date prior to the beginning of the tenancy or the 17th June 1942 whichever is later that it is essential in the public interest that he should take up residence in such city town or village and that he is unable to secure other suitable accommodation

the Controller shall make an order directing the tenant to put the landlord in possession of the house and if the Controller is not so satisfied he shall make an order rejecting the application. In the former case the Controller may grant the tenant a reasonable time having regard to all the circumstances of the case to vacate the house

(3) Every order under sub clause (2) directing a tenant to put the landlord in possession of the house shall subject to the provisions of clause 9 be final and such order shall be executed by such Civil Court as may be specified in this behalf by the District Judge having original jurisdiction over the area in which the house is situated as it were a decree passed by him

(4) A landlord evicting a tenant in pursuance of an order of the Controller under sub clause (2) (iv) shall not let the house or any part thereof to any person other than the original tenant except with the written permission of the Controller

(5) The Controller shall summarily reject any application under sub clause (2) which raises substantially the same issues as have been finally decided under the provisions of this order in a former proceeding between the same parties or between parties under whom they or any of them claim

(6) Where an application under sub clause (2) for evicting a tenant after the termination of the tenancy has been rejected by the Controller the tenancy shall be deemed to have been extended for an indefinite period on the same terms and conditions as before and shall not be terminable by the landlord except on one or more of the grounds mentioned in sub clause (2) *

9 (1) Any person aggrieved by an order of the Controller may within fifteen days from the date on which the order is communicated to him present an appeal in writing to the Revenue Commissioner in Mysore

(2) The Revenue Commissioner shall then send for the record of the case from the Controller and after perusing such record and after making such further enquiry as he thinks fit either personally or through the Controller shall decide the appeal

(3) The decision of the Revenue Commissioner and subject only to such decision an order of the Controller shall be final and shall not be liable to be called in question in any Court of law

— Substituted for the old clause by Notification No. W 55—W 44-44 dated the 14th Septmber 1944
†—† Inserted by Notification No. W 55—W 44 44 4 dated the 7th Septmber 1944

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SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

()
the 194

Date of issue

Signed by

List of enclosures

Copied by

From a Minor

Examined by

Section

File No

Serial No

No

Not

To

In exercise of the powers
conferred by clause (b) of sub-rule
(2) of Rule 81 of the District
Rules as in force in Mysore to fort
all the buildings or places to which
the following further amendment
shall be made to a Mysore House
Rent Control order, 1942. Namely, -

The following shall be added
at the end of sub clause (2) of Clause
2 of the order: -

and a building or
part of a building owned by a ^{sub} Town
Municipality or local board or a
~~city~~ Municipalities

The Compiler, MG

Inspector, Changanacherry